

MARCIA M. WALDRON
CLERK

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

Harrisburg Clerk of Court
District

Date 3/7/02

Romansky vs. Blaine
(Caption)

C. of A. Nos 01-3529

00-cv-01520
(D.C. No.)

J. Kember

RECEIVED
HARRISBURG, PA

MAR 11 2002

Enclosures:

3/7/02 Certified copy of C. of A. Order by the Court/Clerk
(Date)

MARY E. D'ANDREA, CL
Per *ME*

_____ Released (Record) (Supplemental Record - First - Second - Third)

XXX Copy of this form to acknowledge receipt and return to C. of A.

_____ Record not released at this time until appeal(s) closed at No.(s) _____

_____ Please forward Certified List in Lieu of Record to this office.

_____ The certified copy of order issued as the mandate on _____
is recalled.

Tonya Wyche (267)-299- 4938
Deputy Clerk Telephone Number

Receipt Acknowledge:

ackn'd
(Name)

3-11-02 BTB
(Date)

*Amended CPS-50

g kambu

January 4, 2002
December 21, 2001
December 6, 2001

(29)
3-12-
50

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 01-3529

STEVEN L. ROMANSKY,
Appellant

v.

CONNER BLAINE, Jr.

(M.D. PA. CIV. NO. 00-CV-01520)

FILED
HARRISBURG

MAR 11 2002

MARY E. D'ANDREA, CLERK
S.E.
DEPUTY CLERK

Present: SCIRICA, AMBRO and STAPLETON, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
 - (2) Appellant's letter dated November 8, 2001, which the Court may wish to construe as a motion to compel the appellee to turn over copies of the cassette tapes to appellant;
 - (3) Appellee's motion for extension of time to file response, which the Court may wish to construe as a motion to file response out of time ;
 - (4) Appellee's response thereto; and
 - (5) Appellant's reply to appellee's response, filed December 28, 2001
- in the above-captioned case.

Respectfully,

Clerk

A TRUE COPY:

Kathleen Brouwer
Kathleen Brouwer,
Chief Deputy Clerk

MMW/JDM
(continued)

*AMENDED CPS-50
Romansky v. Blaine
C.A. No. 01-3529

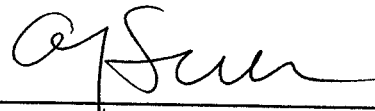
Page -2-

ORDER

The foregoing request for a certificate of appealability is granted, limited to the issue of whether Romansky was denied due process by the Commonwealth's failure to disclose that it had a cooperation agreement with Thomas Smithers and by knowingly using false testimony from Special Agent Russell Thomas. The parties should also address the jurisdictional issue of whether Romansky was "in custody" on the Wayne County convictions at the time he filed this habeas action. See 28 U.S.C. § 2254(a).

Appellant's letter dated November 8, 2001, which we construe as a motion to compel the appellee to provide appellant with copies of the 4 cassette tapes currently in the record, is granted. The appellee's "motion for leave to extend time for response," which is construed as a motion to file the response out of time, is granted. The appellee shall provide copies of the cassette tapes to counsel for the appellant within 14 days of the date of this order.

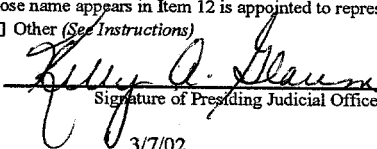
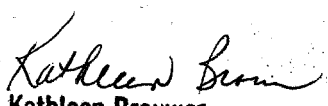
By the Court,



Circuit Judge

Dated: MAR 7 2002
tyw/cc: SLR
mg
AFM

* CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 5/99)

1. CIR./DIST./DIV. CODE 03C		2. PERSON REPRESENTED STEVEN L. ROMANSKY		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 00-CV-01520		5. APPEALS DKT./DEF. NUMBER 01-3529	
6. OTHER DKT. NUMBER		7. IN CASE/MATTER OF (Case Name) ROMANSKY vs. BLAINE		8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal	
9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) CA			
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS MARY GIBBONS, ESQ. #16 600 MULE ROAD HOLIDAY PLAZA III TOMS RIVER, NJ 08758 Telephone Number : 866-645-6529			13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Dates: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions)  _____ Signature of Presiding Judicial Officer or By Order of the Court 3/7/02 Date of Order Nunc Pro Tunc Date Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions) A TRUE COPY:  Kathleen Brouwer, Chief Deputy Clerk					
CLAIM FOR SERVICES AND EXPENSES					
CATEGORIES (Attach itemization of services with dates)			HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS
FOR COURT USE ONLY			MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW	
In	15. a. Arraignment and/or Plea				
	b. Bail and Detention Hearings				
	c. Motion Hearings				
	d. Trial				
	e. Sentencing Hearings				
	f. Revocation Hearings				
	g. Appeals Court				
	h. Other (Specify on additional sheets)				
(RATE PER HOUR = \$) TOTALS:					
Out of	16. a. Interviews and Conferences				
	b. Obtaining and reviewing records				
	c. Legal research and brief writing				
	d. Travel time				
	e. Investigative and other work (Specify on additional sheets)				
(RATE PER HOUR = \$) TOTALS:					
17. Travel Expenses (lodging, parking, meals, mileage, etc.)					
18. Other Expenses (other than expert, transcripts, etc.)					
GRAND TOTALS (CLAIMED AND ADJUSTED):					
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE TO: _____			20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____					
APPROVED FOR PAYMENT — COURT USE ONLY					
23. IN COURT COMP.		24. OUT OF COURT COMP.		25. TRAVEL EXPENSES	
26. OTHER EXPENSES		27. TOTAL AMT. APPR./CERT.			
28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER				DATE	
28a. JUDGE/MAG. JUDGE CODE					
29. IN COURT COMP.		30. OUT OF COURT COMP.		31. TRAVEL EXPENSES	
32. OTHER EXPENSES		33. TOTAL AMT. APPROVED			
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount.</i>				DATE	
34a. JUDGE CODE					